

REMARKS

Summary of the Office Action

The previously pending rejections of claims 1-7 and 15-23 under 35 U.S.C. § 101 have been withdrawn.

The previously pending rejections of claims 1-7 and 15-23 under 35 U.S.C. § 112, second paragraph, have been withdrawn.

Claims 1-11, 13-18, and 20-35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,895,403 to Cardwell *et al.* (*Cardwell*), in view of *Selling by Objective* (SBO), May 1984.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cardwell* in view of U.S. Patent No. 6,036,345 to Jannette *et al.* (*Jannette*).

Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cardwell*.

Summary of the Response to the Office Action

Applicants cancel claims 1-23 without prejudice or disclaimer, and amend claims 24, 25, 30, and 31 to define the invention further. Accordingly, claims 24-35 are pending for consideration.

All Claims Comply with 35 U.S.C. § 103(a)

Independent claims 24 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,895,403 to Cardwell *et al.* (*Cardwell*), in view of *Selling by*

Objective (SBO), May 1984. Applicants respectfully disagree, and traverse these rejections for at least the following reasons.

Independent claims 24 and 30, as amended, recite in part “a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account, wherein each of the four axes communicate with each of the other four axes.” Even if *Cardwell* disclosed four axes (which Applicants submit it does not) the axes would not “communicate with each of the other four axes.” Instead, changes are only communicated along a single axis. For example, *Cardwell* discloses that when one business priority changes, “the team and individual who are working on this priority will be notified of the change so they can adjust the task or project they are working on.” *Id.* at 12:36-39 (emphasis added). Similarly, *Cardwell* discloses that a “top level of the system [that] can be divided into as many pieces as necessary (*i.e.* one for accounting, one for the intellectual property department, etc.) or it can start as one piece and have divergent pieces from there.” *Cardwell* at 5:43-48 (emphasis added). Additionally, teams are set up “for each business priority.” *Id.* at 5:60-61 (emphasis added). Finally, deliverables can be “updated and edited so that all levels of the organization can be aware of what is transpiring on a particular priority.” *Id.* at 8:57-59 (emphasis added).

Claims 25 and 31 have been amended such that they are rewritten in independent form, and also recite the added feature of “managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one

threshold having at least one step.” In addition to the deficiencies discussed above, *Cardwell* also fails to disclose this feature.

SBO fails to remedy these deficiencies. Even if the objectives and sub-objectives of SBO were “based upon the four considerations (*i.e.*, axes)” (and Applicants submit they are not), they would still fail to teach or suggest “wherein each of the four axes communicate with each of the other four axes.” Instead, each sub-objective falls under an “‘umbrella’ objective”, SBO ¶ 14, with “a list of sub-objectives needed to reach the main objective.” SBO ¶ 15 (emphasis added). The “considerations” the Office Action points to in SBO ¶¶ 21-23 (at page 9 of the Office Action) are actually nothing more than sub-objectives of a single main objective – forecasted sales. SBO, like *Cardwell*, also fails to disclose the sorting recited in amended claims 25 and 31. Accordingly SBO, alone or combined with *Cardwell*, fails to prompt a person of ordinary skill in the relevant field to combine the elements of the prior art in the way the claimed invention does in claims 24 and 30, as amended. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007).


For at least the reasons set forth above, Applicants respectfully assert that independent claims 24, 25, 30, and 31, as amended, are allowable. Moreover, Applicants respectfully submit that dependent claims 26-29 and 32-35 are allowable at least because of their respective dependencies from independent claims 24, 25, 30, and 31 and for the reasons set above. As a result, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution. If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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